

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Canjilon Creek, Section 3

Subfile No(s).

CHCJ-003-0039
CHCJ-003-0053
CHCJ-003-0059A
CHCJ-003-0059B

ORDER GRANTING DEFAULT JUDGMENT

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's December 2, 2008 Motion for Default Judgment (Docket No. 9333). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED. The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 3, Canjilon Creek (July 14, 2000) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

**LUGGIE MONTANO
THOMAS MONTANO**

Subfile No.: CHCJ-003-0039

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 0611

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: BORDO DITCH

Location: X= 1,595,945 feet Y= 2,003,807 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 18, Township 26N, Range 05E, N.M.P.M.

Pt. SE ^{1/4}	2.9 acres
Total	2.9 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 3.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

JOSEPH D. MONTOYA

Subfile No.: CHCJ-003-0053

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) 0611

Priority: NONE

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: EL LLANO DITCH

Location: X= 1,593,224 feet Y= 2,003,235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Section 17, Township 26N, Range 05E, N.M.P.M.

Pt. NW $\frac{1}{4}$	0.3 acres
Pt. SW $\frac{1}{4}$	2.4 acres
Total	2.7 acres

As shown on the 2000 Hydrographic Survey Map CHCJ- 3.

Amount of Water: NONE

MARILYN BALDONADO

Subfile No.: CHCJ-003-0059A

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) 0611

Priority: NONE

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: EL LLANO DITCH

Location: X= 1,593,224 feet Y= 2,003,235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Section 17, Township 26N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$	3.1 acres
Total	3.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-003-0059A

Amount of Water: NONE

ZAQUEO SALAZAR

Subfile No.: CHCJ-003-0059B

A. NO RIGHT (Surface Water Only)

Office of the State Engineer Files No(s) 0611

Priority: NONE

Source of Water: Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: EL LLANO DITCH

Location: X= 1,593,224 feet Y= 2,003,235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Section 17, Township 26N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$	1.0 acres
Total	1.0 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-003-0059B

Amount of Water: NONE

IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

Bruce D Black

BRUCE D. BLACK

UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

SPECIAL MASTER